

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

NOV 06 2006

LAWRENCE K. BAERMAN, Clerk  
UTICA

ROBERT L. SCHULZ,

Petitioner,

vs

1:06-MC-131

UNITED STATES OF AMERICA and  
INTERNAL REVENUE SERVICE,

Defendant.

APPEARANCES:

ROBERT L. SCHULZ  
Petitioner, Pro Se  
2458 Ridge Road  
Queensbury, NY 12804

DAVID N. HURD  
United States District Judge

OF COUNSEL:

**ORDER TO SHOW CAUSE**

Upon the declarations and memorandum of law, together with the exhibits thereto, and the prior pleadings,

LET the respondents United States of America and Internal Revenue Service ("IRS") show cause at the James T. Foley United States Courthouse, 445 Broadway, Albany, New York, at 2:00 o'clock in the afternoon on the 16<sup>th</sup> day of November 2006, why an Order should not be made:

a. Preliminarily enjoining, prohibiting, and restraining the IRS and any other agency of the United States of America that arguably may act in this matter, from enforcing the IRS Summons issued by IRS Agent Elsie Addington, and served on the Glens Falls National

Bank on October 12, 2006, naming the petitioner in this matter, until this case is finally determined and any appeal thereof;

- b. Expediting these proceedings where this matter might be set for trial; and
- c. Granting any further relief that to the Court may seem just and proper.

IT IS ORDERED that

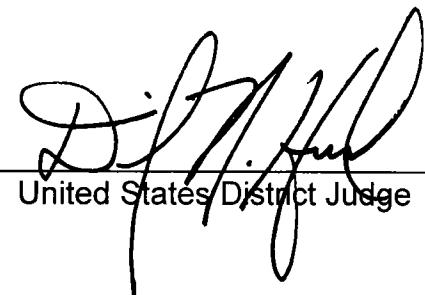
1. The IRS and any other agency of the United States of America that arguably may act in this matter are temporarily enjoined, prohibited and restricted from enforcing the IRS summons issued by IRS Agent Elsie Addington, and served on the Glens Falls National Bank on October 12, 2006, naming the petitioner in this matter, until the return date of this Order to Show Cause;

2. The IRS is directed to immediately notify the Glens Falls National Bank by telephone of this temporary stay of the enforcement of the Summons, and that the Bank is not to comply with the Summons until further notice by the IRS;

3. Service of a conformed copy of this order is to be served upon IRS Agent Addington, by facsimile or by personal service on or before 5:00 o'clock in the afternoon of the 7<sup>th</sup> day of November 2006, and upon the office of the United States Attorney at the James T. Foley United States Courthouse, 445 Broadway, Room 345, Albany, New York 12207, by facsimile or by personal service by 5:00 o'clock in the afternoon on the 7<sup>th</sup> day of November 2006, be deemed good and sufficient service; and

4. The IRS may file and serve by facsimile or personal service any opposition papers on or before 5:00 o'clock in the afternoon on the 13<sup>th</sup> day of November 2006.

IT IS SO ORDERED.



A handwritten signature in black ink, appearing to read "D. J. H." followed by a stylized surname. A horizontal line is drawn through the signature.

United States District Judge

Dated: November 6, 2006  
Utica, New York.